IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7857 OF 2003

Smt.Banutai Dnyandeo Kaulavkar : Petitioner

V/s.

The Director, Shri Mouni Vidyapeet

Gargoti & Ors. : Respondents

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Mr.A.S. Kapse for the petitioner.

Mr.N.V.Bandiwadekar for respondent no.2.

Mr.M.H. Solkar, Asstt. Govt. Pleader for respondent no.3.

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CORAM : S.A. BOBDE, J.
February 4, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Bandiwadekar, learned counsel for respondent no.2 and Mr.Solkar, learned Asstt. Govt. Pleader for respondent no.3, appear and waive service of rule.

Heard by consent.

2. The petitioner challenges the order of the School Tribunal, Kolhapur Region, Kolhapur, dated 16.10.2003 dismissing her appeal.

3. The petitioner had challenged her termination before the School Tribunal. The question before the School Tribunal was whether the petitioner was appointed in a permanent vacancy and had acquired the status of a permanent teacher upon completion of satisfactory probationary period. The School Tribunal has found that the petitioner was appointed as a part-time teacher in the subject of Sociology and was also given work as a part-time teacher in the subject of Politics. It has been found on the basis of the appointment order that all along the petitioner was given work as a part-time teacher. The learned counsel for the petitioner invited my attention to the very first appointment order dated 9.9.1991 and referred to the sentence in the appointment letter that the appointment is for the "probation period 1991-92". This, in my view, is not determinative of the vacancy being a permanent vacancy. The very appointment letter states that the petitioner was appointed because of the temporary increase in the division on a non-aided basis and to handle the temporary work-load. As regards the subsequent appointment orders of the petitioner also, the Tribunal has observed that they were on a temporary part-time basis and, in fact, the advertisement issued for the subsequent periods i.e. for the years 1991-92,

1992-93 and 1993-94 were for the post of part-time teacher in the subject of Sociology. The petitioner, therefore, knew that she was appointed in a temporary capacity. Having regard to the nature of the appointment, the Tribunal has come to the conclusion that the last appointment letter dated 4.7.1995 also did not confer any right since it was for a fixed period and intended to come to an end on 20.4.1996. It is, therefore, clear that the order of the Tribunal is in accordance with law. The petitioner's appointment was not under section 5 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

4. In the result, there is no merit in the Writ Petition which is hereby dismissed. The rule is, accordingly, discharged.

5. Certified copy expedited.

Sd/-

S.A. BOBDE, J.